

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

EXTENDED STAY, INC. *et al.*,

Debtors.

WALKER, TRUESDELL, ROTH &  
ASSOCIATES, as Trustee for and on behalf of the  
EXTENDED STAY LITIGATION TRUST,

HOBART TRUESDELL, as Trustee for and on  
behalf of the EXTENDED STAY LITIGATION  
TRUST, and

THE EXTENDED STAY LITIGATION TRUST,

Plaintiffs,

v.

ARCHON GROUP, L.P., individually and as servicer;  
STARWOOD CAPITAL GROUP GLOBAL, L.P.;  
DEBT U ESH, L.P.; DEBT II ESH, L.P.;  
WACHOVIA BANK, NATIONAL ASSOCIATION;  
SQUARE MILE CAPITAL MANAGEMENT, LLC;  
ESH OWNER, LLC; KEYBANK, NATIONAL  
ASSOCIATION; U.S. BANK NATIONAL  
ASSOCIATION, not individually but solely as  
Trustee for Maiden Lane Commercial Mortgage-  
Backed Securities Trust 2008-1, Maiden Lane  
Commercial Mortgage-Backed Securities Trust 2008-  
1 and the Federal Reserve Bank of New York; and  
DOES 1 through 100, inclusive,

Defendants.

Chapter 11

Case No. 09-13764 (JMP)

(Jointly Administered)

Adv. Pro. No. 11-2259 (JMP)

**NOTICE OF DISMISSAL  
WITH PREJUDICE**

**PLEASE TAKE NOTICE THAT**, pursuant to the Court's Order Appointing  
Successor Litigation Trustee and Approving Amendment to Litigation Trust Agreement, dated  
August 28, 2012 (the "August 28 Order"), Rule 7041 of the Federal Rules of Bankruptcy

Procedure, and the Amendment to the Extended Stay Litigation Trust Agreement, approved by the Court's August 28 Order, this adversary proceeding (Adv. Proc. No. 11-02259 (JMP)), including all claims and counter-claims asserted therein, is hereby dismissed in its entirety with prejudice and without costs to any party against any other. Accordingly, this adversary proceeding is hereby closed.

Dated: September 26, 2012

**VENABLE LLP**

By: /s/ Gregory A. Cross  
Gregory A. Cross

Gregory A. Cross  
Venable LLP  
750 East Pratt Street, Suite 900  
Baltimore, Maryland 21202  
Tel: 410-244-7400

- and -

Carolynn H.G. Callari  
Michael Schatzow  
Venable LLP  
Rockefeller Center, 24th Floor  
1270 Avenue of the Americas  
New York, New York 10020  
Tel: 212-307-5500

*Counsel for Plaintiffs, the Extended Stay  
Litigation Trust and Finbarr O'Connor, as Successor  
Trustee of the Extended Stay Litigation Trust*